

Section 69502.2. Chemicals of Concern Identification

§69502.2	Informal draft regulatory language	
(a)	<i>Initial Chemicals of Concern List. As of the effective date of these regulations, a chemical is identified as a Chemical of Concern, if it exhibits a hazard trait or an environmental or toxicological endpoint, and meets one or more of the following criteria:</i>	
To facilitate effective and efficient implementation of the product/chemical prioritization process, the regulations themselves establish the initial list of Chemicals of Concern (COC) by drawing from three general sources of existing information that identify chemicals of concern. The three groups of chemical information sources used to establish the initial COC list meet the OEHHA and DTSC definitions of “authoritative organizations”, “reliable information”, and/or “reliable information demonstrating the occurrence, or potential occurrence, of exposures to a chemical”. These information sources identify chemicals by either a hazard trait or an environmental or toxicological endpoint. The COC source lists named in the informal draft regulations are considered “authoritative” and “reliable”, are widely recognized nationally and internationally, and have been used to initiate actions for protection of public health and/or the environment.		
(a)(1)	<i>The chemical is identified as exhibiting a hazard trait on one or more of the following lists:</i>	
	Chemical Sources for Initial COC List	Hazard Trait
(a)(1)(A)	California Safe Cosmetics Program’s Chemicals Known or Suspected to Cause Cancer or Reproductive Toxicity	Toxicological Hazard Traits: <ul style="list-style-type: none">• Carcinogenicity• Reproductive Toxicity• Developmental Toxicity
(a)(1)(B)	California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)	Toxicological Hazard Traits: <ul style="list-style-type: none">• Carcinogenicity• Reproductive Toxicity• Developmental Toxicity
(a)(1)(C)	Canadian Environmental Protection Act Environmental Registry’s Persistent, Bioaccumulative, and Inherently Toxic to the Environment (CEPA PBiT)	Exposure Potential Hazard Traits: <ul style="list-style-type: none">• Bioaccumulation• Persistence
(a)(1)(D)	Category A and B Carcinogens, Report on Carcinogens, US Department of Health and Human Services, Public Health Service, National Toxicology Program	Toxicological Hazard Trait: <ul style="list-style-type: none">• Carcinogenicity
(a)(1)(E)	Chemicals for which primary Maximum Contaminant Levels (MCLs) have been established under the federal Safe Drinking Water Act	Various Toxicological Hazard Traits:
(a)(1)(F)	European Chemical Substances Information System Persistent Bioaccumulating Toxins (ESIS PBT)	Exposure Potential Hazard Traits: <ul style="list-style-type: none">• Bioaccumulation• Persistence• Various Toxicological Hazard Traits
(a)(1)(G)	European Commission Category 1 and Category 2 endocrine disruptors	Toxicological Hazard Trait: <ul style="list-style-type: none">• Endocrine Toxicity
(a)(1)(H)	European Union Directive on Dangerous Substances (Directive 67/548/EEC), Category 1 carcinogens and Category 1 reproductive toxins	This has been superseded by (a)(1)(I) – see below.
(a)(1)(I)	European Union EC 1272/2008 Annex VI, Category 1A and 1B carcinogens, Category 1A and 1B reproductive toxins, and Category 1A and 1B mutagens	Toxicological Hazard Traits: <ul style="list-style-type: none">• Carcinogenicity• Reproductive Toxicity• Developmental Toxicity• Genotoxicity

	Chemical Sources for Initial COC List	Hazard Trait
(a)(1)(J)	International Agency for Research on Cancer (IARC), Groups 1, 2A, and 2B carcinogens	Toxicological Hazard Trait: • Carcinogenicity
(a)(1)(K)	Pollutants listed by California or the US EPA for one or more water bodies in California pursuant to section 303(d) of the federal Clean Water Act	Various: • Toxicological Hazard Traits • Environmental Hazard Traits • Exposure Potential Hazard Traits
(a)(1)(L)	Pollutants requiring monitoring and reporting in waste discharges to land that have Notification Levels (NLs) specified under the Waste Discharge and Water Reuse Requirements (WDRs/WRRs) of the Porter-Cologne Water Quality Control Act	Various Toxicological Hazard Traits
(a)(1)(M)	Priority toxic pollutants for California pursuant to section 303(c) of the federal Clean Water Act	Various: • Toxicological Hazard Traits • Environmental Hazard Traits • Exposure Potential Hazard Traits
(a)(1)(N)	US EPA Toxics Release Inventory Persistent, Bioaccumulative and Toxic Chemicals	Exposure Potential Hazard Traits: • Bioaccumulation • Persistence • Various Toxicological Hazard Traits
(a)(1)(O)	Washington Department of Ecology Persistent, Bioaccumulative, Toxic Chemicals	Exposure Potential Hazard Traits: • Bioaccumulation • Persistence • Various Toxicological Hazard Traits
(a)(2)	<i>The chemical is identified by one or more of the following lists based on exposures or environmental or toxicological endpoints:</i>	
	Chemical Sources for Initial COC List	Hazard Trait
(a)(2)(A)	National Report on Human Exposure to Environmental Chemicals, Center for Disease Control	Various Toxicological Hazard Traits: • Chemicals that are biomonitored are “reliable information demonstrating” exposure
(a)(2)(B)	OSPAR List of Chemicals for Priority Action	Environmental Hazard Traits
(a)(2)(C)	OSPAR List of Substances of Possible Concern	Environmental Hazard Traits
(a)(2)(D)	US EPA National Waste Minimization Program list of Persistent Bioaccumulative and Toxic Priority Chemicals	Exposure Potential Hazard Traits: • Bioaccumulation • Persistence • Various Toxicological Hazard Traits
(a)(3)	<i>The chemical is identified by one or more of the following sources of reliable information:</i>	
	Chemical Sources for Initial COC List	Hazard Trait
(a)(3)(A)	Grandjean & Landrigan identification of neurotoxicants	Toxicological Hazard Trait: • Neurotoxicity
(a)(3)(B)	National Toxicology Program, Office of Health Assessment and Translation (formerly the Center for the Evaluation of Risks to Human Reproduction (CERHR)) reports	Toxicological Hazard Traits: • Reproductive Toxicity • Developmental Toxicity
(a)(3)(C)	US EPA Integrated Risk Information System (IRIS) identification of carcinogens	Toxicological Hazard Trait: • Carcinogenicity